



FREDERICK P. CLARK ASSOCIATES

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT

a Hardesty & Hanover company

555 Theodore Fremd Ave., Suite C-301

Rye, NY 10580

T: 914.967.6540

www.hardestyhanover.com

MEMORANDUM

To: Bruce M. Flower, Chairman, and
the Town of Wappinger Planning Board

Date: January 21, 2020

Subject: **Tarpon Towers, LLC – Site Plan, Special Permit and Wetland Disturbance Permit Review**
Tax Lot 6056-03-339420

As requested, we have reviewed the applications of Tarpon Towers II, LLC (the “Applicant”) on behalf of Jeanne M. Radice (the “Owner”) for Site Plan, Special Permit, and Wetlands Disturbance Permit Approvals.

The Property

The subject property is located at 110 Chelsea Road and is a total of 47.9 acres, with 28.5 acres of the property within the Town of Wappinger and 19.4 acres located within the Town of Fishkill. The portion located within the Town of Wappinger is within the R-40/80 1-Family Residence zoning district and is designated as parcel 6056-03-339420 on the Town of Wappinger tax maps (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing to construct a wireless telecommunications facility consisting of a 150-foot monopole and associated unmanned transmission equipment within a fenced compound (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review an Application for Site Plan Approval form dated 10/8/19; an Application for Special Use Permit Approval form dated 10/8/19; a Full Environmental Assessment Form (Full EAF) with a Visual EAF Addendum revised 12/19/19; a Verizon Wireless RF Report dated 9/17/19; Site Selection Analysis dated 9/17/19; a Visual Resource Evaluation dated 12/17/19; an Application for Wetland Disturbance Permit form dated 1/8/20; a Wetlands Analysis Report dated 12/23/19; and the following 11x17-sized plans entitled, “Tarpon Towers – Castle Point, Orange County-Poughkeepsie Limited Partnership d/b/a Verizon,” prepared by Tectonic Engineering and Surveying Consultants, P.C., dated 12/29/19:

1. Sheet T-1, "Title Sheet;"
2. Sheet SU-101, "Partial Topography & Boundary Survey;"
3. Sheet GN-1, General Notes;"
4. Sheet AD-1, "Adjoiners Plan;"
5. Sheet SB-1, "Setback Plan;"
6. Sheet LOC-1, "Location Map;"
7. Sheet VIC-1, "Vicinity Map;"
8. Sheet C-1, "Overall Site Plan;"
9. Sheet C-2, "Road Plan & Profile;"
10. Sheet C-3, "Site Detail Plan;"
11. Sheet C-4A, "East Elevation;"
12. Sheet C-4B, "South Elevation;"
13. Sheet C-5, "Orientation Plan;"
14. Sheet C-6, "Site Details;"
15. Sheet C-7, "Site Details;"
16. Sheet C-8, "Antenna Specifications;"
17. Sheet C-9, "Equipment Elevations;" and
18. Sheet R-1, "Reclamation Plan."

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Zoning.¹

- a. As stated in our last memorandum, the Subject Property is located within the Town of Wappinger and within the Town of Fishkill. The proposed wireless communications tower is proposed on the portion of the property within the Town of Wappinger. Section 240-10 of the Zoning Law states:

"Where a lot is divided by one or more zoning district or municipal boundary lines, each portion of such lot and any building or land use established thereon shall comply with the regulations of the district in which it is located."

We defer to the Zoning Administrator as to whether the proposed facility will need to meet the setback requirements of the R-40/80 district along the municipal boundary line. The Applicant is proposing to construct the facility along the municipal boundary with no setback.

- b. As requested previously, in accordance with Section 240-81.F(4)(f)[4][g] of the Zoning Law, the plans should provide locations and specifics of proposed screening, landscaping, ground cover and any exterior lighting or exterior signs.

¹ We have not to-date received any full-size plans for this project. We once again request that future submissions include full-sized plans for our review.

- c. As requested previously, in accordance with Section 240-81.F(4)(f)[5][c] of the Zoning Law, a detail of the tower foundation, including cross sections and details and all ground attachments for anchoring should be provided in the plan set.
 - d. As requested previously, in accordance with Section 240-81.F(4)(f)[5][f] of the Zoning Law, an illustration of the modular structure of the proposed tower, indicating the heights of sections that could be removed or added in the future to adapt to changing communications conditions or demands should be included in the plan set.
 - e. As requested previously, in accordance with Section 240-81.F(4)(f)[5][g] of the Zoning Law, a structural engineer's written description of the ability of the proposed tower to be shortened if future communications facilities no longer require the original height, and that the tower is designed to withstand winds, should be included in future submissions.
 - f. The narrative notes that the facility will have a walk-in equipment cabinet. It appears that this is no longer the case. The Applicant should confirm this.
2. Access. We are unclear as to the manner of access to the tower that the Applicant is proposing. The construction and operating access to the tower site should be clearly identified by the Applicant.
 3. Appearance of Tower. The tower is not proposed to be camouflaged and Sheet C-3 states: "Note: Tower shall have a galvanized steel finish." The Planning Board should discuss this matter and make determinations regarding the appearance of the tower.
 4. Variance. The Applicant is requesting a variance from Section 240-81.G(4)(c)[2] to locate the proposed tower within 750 feet of existing residences.
 5. Wetlands. The Site contains Federally-regulated wetlands. The Applicant has noted that a permit from the Army Corps of Engineers (ACOE) is required. All correspondence between the Applicant and the ACOE should be sent to the Planning Board for review.
 6. Fencing.
 - a. It appears from Sheet C-3 that the transformer and utility backboard are proposed to be located outside of the fenced area. The Applicant should elaborate as to why this is proposed.
 - b. It is unclear as to whether the chain-link fencing is proposed to have "privacy" slats. This should be clarified.

7. Generator. The Applicant should provide specific information regarding the frequency of use of the proposed generator and the manufacturer's specifications regarding the noise it creates.
8. SEQRA.
 - a. The Proposed Action is considered an Unlisted action pursuant to SEQRA. The Site is located within an agricultural district but does not include 2.5 or more acres of disturbance; therefore, the Proposed Action is still considered an Unlisted Action rather than a Type I Action. It is our understanding that the Planning Board has circulated to the other Involved Agencies the Board's intent to serve as Lead Agency.
 - b. The EAF notes that Indiana Bats may be present on the Site. The Applicant should contact the New York State Department of Environmental Conservation (NYSDEC) with regard to this matter. All correspondence between the Applicant and the NYSDEC should be sent to the Planning Board for review.
 - c. The EAF notes that the Site is in an area designated as sensitive for archeological sites in the NYS Site Inventory. The Applicant has noted that the New York State Office of Parks, Recreation and Historic Preservation is currently reviewing the Application and will provide a response once the review is complete. All correspondence to and from this agency should be submitted to the Planning Board.
9. Miscellaneous. It is our understanding that the Planning Board desires to have a Radio Frequency (RF) Engineer review this application, including with respect to whether the proposed tower is the minimum height needed to fulfill its intended purpose. The RF Engineer could also assist in evaluating the proposed site relative to locational priorities specified in the Zoning Law. The process of hiring a RF Engineer should be initiated.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

David H. Stolman, AICP, PP
Principal

Sarah L. Brown, AICP
Senior Associate/Planning

cc: Vincent F. Bettina
Peter D. Setaro, PE
Barbara Roberti
James P. Horan, Esq.
Neil J. Alexander, Esq. (NAlexander@cuddyfeder.com)